

**FIFTY-EIGHTH LEGISLATIVE DAY  
TUESDAY, MARCH 7, 2006**

House of Representatives

The House convened at 10:30 a.m., Mr. Denney in the Chair.

Roll call showed 69 members present.  
Absent and excused -- Wood. Total -- 1.  
Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Jessi Cooper, Page.

**Approval of Journal**

March 7, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-seventh Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

March 6, 2006

Mr. Speaker:

I return herewith enrolled **HCR 39** and **HCR 31** which have been signed by the President.

WOOD, Secretary

Enrolled **HCR 39** and **HCR 31** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

March 6, 2006

Mr. Speaker:

I transmit herewith **SCR 125, SCR 126, SCR 127, SCR 124, S 1408, S 1404, S 1404, S 1422, S 1367, S 1411, S 1417, S 1266**, as amended, **S 1350**, as amended, **S 1390**, as amended, **S 1400**, as amended, **S 1354**, as amended, as amended, **S 1412**, as amended, and **S 1395**, as amended, which have passed the Senate.

WOOD, Secretary

**SCR 125, SCR 126, SCR 127, SCR 124, S 1408, S 1404, S 1422, S 1367, S 1411, S 1417, S 1266**, as amended, **S 1350**, as amended, **S 1390**, as amended, **S 1400**, as amended, **S 1354**, as amended, as amended, **S 1412**, as amended, and **S 1395**, as amended, were filed for first reading.

March 6, 2006

Mr. Speaker:

I return herewith **HCR 40** and **HJM 12** which have passed the Senate.

WOOD, Secretary

**HCR 40** and **HJM 12** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

**Report of Standing Committees**

March 7, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 766, H 767, H 768, H 769**, and **H 770**.

FIELD(18), Chairman

**H 768, H 769**, and **H 770** were referred to the Education Committee.

**H 766** and **H 767** were filed for second reading.

March 7, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HCR 32, HCR 33**, and **H 534**, as amended.

FIELD(18), Chairman

The Speaker Pro Tem announced that the Speaker would sign enrolled **HCR 32, HCR 33**, and **H 534**, as amended, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 7, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HJM 16** to the Secretary of State at 1:25 p.m., as of this date, March 6, 2006.

FIELD(18), Chairman

March 2, 2006

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 705** and report it back with amendments attached to be placed on General Orders for consideration.

CROW, Chairman

**H 705** was placed on General Orders for consideration.

March 6, 2006

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **S 1362, S 1375**, and **S 1347** and recommend that they do pass.

WOOD, Chairman

**S 1362, S 1375**, and **S 1347** were filed for second reading.

March 6, 2006

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration **H 696** and **SJM 118** and recommend that they do pass.

RAYBOULD, Chairman

**H 696** and **SJM 118** were filed for second reading.

March 6, 2006

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration **S 1396** and recommend that it do pass.

FIELD(23), Chairman

**S 1396** was filed for second reading.

March 6, 2006

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **H 734** and recommend that it do pass.

BLOCK, Chairman

**H 734** was filed for second reading.

March 7, 2006

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 720** and **H 756** and recommend that they do pass.

CROW, Chairman

**H 720** and **H 756** were filed for second reading.

March 7, 2006

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **H 702** and report it back with amendments attached to be placed on General Orders for consideration.

BARRACLOUGH, Chairman

**H 702** was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

### Motions, Memorials, and Resolutions

House of Representatives  
State of Idaho

March 7, 2006

The Honorable Bruce Newcomb

Speaker of the House

Dear Speaker Newcomb,

We the undersigned hereby petition the presiding officer of the House of Representatives pursuant to Joint Rule 20 to waive the provisions of Joint Rule 20 with regard to introduction of a proposed Constitutional Amendment after the 36<sup>th</sup> day of the Regular Legislative Session. This waiver would allow introduction of RS 16206 and RS 16207.

We would appreciate your consideration of the petition.

/s/ Sincerely,  
Lawrence Denney  
Majority Leader

/s/ Mike Moyle  
Assistant Majority Leader

/s/ Julie Ellsworth  
Caucus Chairman

The Speaker Pro Tem announced that pursuant to the 36th day deadline, and a petition being presented, Joint Rule No. 20 would be waived for the purpose of introducing joint resolutions to make amendments to the Constitution of the State of Idaho.

### HOUSE CONCURRENT RESOLUTION NO. 61 BY WAYS AND MEANS COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THE STATE BOARD OF EDUCATION AND THE STATE DEPARTMENT OF EDUCATION TO CONTINUE TO GATHER INPUT AND CONDUCT RESEARCH ON HIGH SCHOOL REDESIGN AND CONSIDER CHANGES TO A NEW RULE REGARDING THE SUBJECT IF NECESSARY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, we the members of the Second Regular Session of the Fifty-eighth Idaho Legislature agree that continuously improving the education experiences and opportunities of Idaho's K-12 students is important; and

WHEREAS, we believe that the State Board of Education's 2005-2006 research and subcommittee efforts have created a strong beginning for discussing improvements for Idaho's High School offerings and provided further that we believe that the research for this Rule has encouraged needed dialogue about how to improve K-12 education and graduation success in Idaho and student preparation for the future; and

WHEREAS, the Office of the State Board of Education's 2006 Pending Rule Docket No. 08-0203-0506 (hereinafter referred to as "Rule") has been presented to both the House of Representatives and the Senate Education Committees; and

WHEREAS, the March 1, 2006, Summary Report from the House Education Committee's Ad Hoc Subcommittee on High School Redesign outlines the questions remaining about the Rule

and its implementation in the areas of funding and budgeting concerns; general concerns outlined in five categories, curriculum concerns and eleven additional areas of research; and implementation recommendations that need to include budgets, district communication strategies, and address fifty-two areas of implementation planning concerns; and

WHEREAS, we agree with the State Board of Education that there is a need for redesign based on the requirements of this century's jobs for education beyond high school; the needs for having a skilled and educated workforce in Idaho; Idaho's high school to college entry rates; and on students deserving a well-rounded, relevant and rigorous education.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Office of the State Board of Education is requested, in collaboration with the State Department of Education, to gather input from all 115 Idaho school districts and to research and provide reports and recommendations in response to concerns raised. The requested reports and recommendations are detailed in the fifteen page March 1, 2006, Summary Report from the House of Representatives Education Committee's Ad Hoc Subcommittee on High School Redesign compiled from the input from Idaho's school districts and from House of Representatives and Senate Education Committee testimony.

BE IT FURTHER RESOLVED that the Legislature welcomes a presentation of responses to the feedback and concerns and upon gathering the necessary data and information, if it is determined that changes need to be made to the new rule, that the State Board of Education is requested to bring those changes forward in the next legislative session.

**HOUSE JOINT MEMORIAL NO. 21  
BY WAYS AND MEANS COMMITTEE  
A JOINT MEMORIAL**

TO THE SENATE AND HOUSE OF REPRESENTATIVES  
OF THE UNITED STATES IN CONGRESS ASSEMBLED,  
AND TO THE CONGRESSIONAL DELEGATION  
REPRESENTING THE STATE OF IDAHO IN THE  
CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the United States Forest Service administers the management of 39% of the land base in the state of Idaho, and an additional 22% is administered by the United States Bureau of Land Management; and

WHEREAS, pursuant to 16 U.S.C. Section 471, an 1891 law authorizing the President to establish national forests, the purpose for establishing and administering national forests was to set aside public lands reserved as national forests to be controlled and administered, to the extent practical, in accordance with the Act which provided that "no national forest may be established except to improve and protect the forest, or to secure favorable conditions of water flows, and to furnish a continuous supply of

timber for the use and necessities of citizens"; and

WHEREAS, it has long been the intent and policy of the federal government to hold rural communities harmless from the creation of federal lands and in 1906 the Committee on Public Lands recognized that the presence of federal lands could create a hardship for many counties, as they provided little revenue or commerce at that time; and

WHEREAS, in 1908, Congress created the Twenty-five Percent Fund Act to pay states and counties 25% of receipts collected from national forests and mandated that payments were to be spent on schools and roads, recognizing that viable communities adjacent to the public lands, with adequate roads and schools, were essential for the development and preservation of the national forests; and

WHEREAS, the federal policy of holding counties harmless from the creation of public lands within counties was reiterated in 1916 with the creation of the Oregon and California Grant Lands under the Chamberlain-Ferris Act, and again in 1937 with passage of the Oregon and California Grant Lands Act; and

WHEREAS, the forest resources were intended to be managed in such an environmentally responsible manner that they would produce long-term sustainable revenue to share with schools and counties as well as products for the nation; and

WHEREAS, in 2000, Congress passed the Secure Rural Schools and Community Self-Determination Act, commonly known as public law 106-393, which restored historical payment levels previously made to states and counties from the federal government for road and school purposes due to declining levels of actual forest receipts; and

WHEREAS, the reauthorization of public law 106-393 is pending before the United States Congress and Idaho counties are on record as being strongly supportive of a fully-funded approval of this Act; and

WHEREAS, recently, federal land managers have been faced with an ever-present funding shortage and rural counties will be faced with higher property taxes or a reduction in services if the Secure Rural Schools and Community Self-Determination Act is not reauthorized and appropriated; and

WHEREAS, there is continued concern that if the Act is reauthorized and appropriated it may be the last time it occurs and a long-term solution to these issues is necessary; and

WHEREAS, the state of Idaho is dependent upon healthy national forest system lands for economic benefit, recreation and scenic beauty and it is time to demonstrate a new initiative and commitment to the intent and policy of the federal government to hold counties and schools harmless from the creation of federal lands and construct a path leading to economic stability for rural communities and schools; and

WHEREAS, transfer of the management of the national forest system lands that are not designated as wilderness, proposed or recommended wilderness, wild and scenic river, or national recreation area, or designated roadless area in Idaho, to the state of Idaho would promote better stewardship of the public lands, provide financial returns to the counties, secure public access, meet Congress's intent to hold rural communities harmless from the creation of federal lands, and fund schools, road and bridge infrastructure which would offset significant tax increases in rural counties in the event the Secure Rural Schools payments are not reauthorized or are allowed to expire following the 2006

reauthorization; and

WHEREAS, precedent for state administration of federally-owned lands exists in the state of Idaho at the City of Rocks area in southern Idaho and campground-related facilities and land at Lake Cascade; and

WHEREAS, a transfer of management to the state of Idaho would demonstrate a new initiative and commitment to the intent and policy of the federal government to hold rural counties and schools harmless from the consequences of the reservation of federal lands and construct a process leading to economic stability for rural communities and schools; and

WHEREAS, lands for which management responsibility is transferred to the state of Idaho could be administered by the Idaho Department of Lands in cooperation with county officials and with cooperative oversight by the United States Forest Service and state and local government could establish, or use existing natural resource advisory committees composed of a diverse cross-section of the public, with all decisions and actions relating to the lands being required to comply with every federal and state environmental law; and

WHEREAS, the management of these lands would have to meet the mandates of the Healthy Forest Initiative, the National Fire Plan, and state and county fire mitigation plans.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Congress to support federal legislation transferring management of national forest system lands within Idaho to the state of Idaho to be managed for the benefit of the rural counties and schools with the state of Idaho being held harmless from the costs of administration.

BE IT FURTHER RESOLVED that Congress is urged to provide that any transfer of management authority would not affect any rights or authority of the state with respect to fish and wildlife, or repeal or modify any provision of law that permits the state or political subdivisions of the state to share in the revenues from federal lands, or any provision of law that provides that fees or charges collected at particular federal areas be used for or credited to specific purposes or special funds.

BE IT FURTHER RESOLVED that Congress is urged to provide that fees or revenues collected under state management be allocated 75%, or other appropriate percentage, for the benefit of the counties and schools in which the national forest system lands are located and 25%, or other appropriate percentage, for the benefit of the national forest in which the lands administered by the state of Idaho are located to be paid at the end of the year to the Secretary of the Treasury, and that amounts allocated to the counties should not be taken into account for purposes of the Twenty-five Percent Fund pursuant to 16 U.S.C. Section 500.

BE IT FURTHER RESOLVED that Congress is urged to seek a long-term solution to the significant issues that will face rural counties in the event the Secure Rural Schools payments are not reauthorized or are allowed to expire following the 2006 reauthorization.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State

of Idaho in the Congress of the United States.

**HCR 61** and **HJM 21** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**SCR 125, SCR 126, SCR 127, and SCR 124**, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Health and Welfare Committee.

#### **Introduction, First Reading, and Reference of Bills and Joint Resolutions**

##### **HOUSE BILL NO. 771 BY STATE AFFAIRS COMMITTEE AN ACT**

RELATING TO THE ALFALFA AND CLOVER SEED COMMISSION; AMENDING SECTION 22-4215, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DISBURSEMENT OF MONEYS FROM THE ACCOUNTS OF THE IDAHO ALFALFA AND CLOVER SEED COMMISSION AND TO PROVIDE FOR A SYSTEM OF INTERNAL ACCOUNTING CONTROLS.

##### **HOUSE BILL NO. 772 BY STATE AFFAIRS COMMITTEE AN ACT**

RELATING TO THE IDAHO MINT COMMISSION; AMENDING SECTION 22-3811, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DISBURSEMENT OF MONEYS FROM THE ACCOUNTS OF THE IDAHO MINT COMMISSION, TO PROVIDE FOR A SYSTEM OF INTERNAL ACCOUNTING CONTROLS AND TO MAKE TECHNICAL CORRECTIONS.

##### **HOUSE BILL NO. 773 BY STATE AFFAIRS COMMITTEE AN ACT**

RELATING TO THE IDAHO CANOLA AND RAPESEED COMMISSION; AMENDING SECTION 22-4720, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DISBURSEMENT OF FUNDS FROM ACCOUNTS OF THE IDAHO CANOLA AND RAPESEED COMMISSION, TO PROVIDE FOR A SYSTEM OF INTERNAL ACCOUNTING CONTROLS AND TO MAKE TECHNICAL CORRECTIONS.

##### **HOUSE BILL NO. 774 BY STATE AFFAIRS COMMITTEE AN ACT**

RELATING TO THE IDAHO BEAN COMMISSION; AMENDING SECTION 22-2919, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DISBURSEMENT OF MONEYS FROM THE ACCOUNTS OF THE IDAHO BEAN COMMISSION, TO PROVIDE FOR A SYSTEM OF INTERNAL ACCOUNTING CONTROLS AND TO MAKE TECHNICAL CORRECTIONS.

##### **HOUSE BILL NO. 775 BY STATE AFFAIRS COMMITTEE**

## AN ACT

RELATING TO THE ALFALFA AND CLOVER SEED COMMISSION; AMENDING SECTION 22-4203, IDAHO CODE, TO DELETE DEFINITIONS RELATING TO DISTRICTS; AND AMENDING SECTION 22-4205, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE COMPOSITION OF GROWER NOMINATING COMMITTEES APPOINTED BY THE DEPARTMENT OF AGRICULTURE.

**HOUSE BILL NO. 776****BY STATE AFFAIRS COMMITTEE**

## AN ACT

RELATING TO MEDICAID; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 56-250, 56-251, 56-252, 56-253, 56-254 AND 56-255, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO STATE LEGISLATIVE INTENT, TO PROVIDE DEFINITIONS, TO PROVIDE POWERS AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE, TO PROVIDE FOR MEDICAL ASSISTANCE PAYMENTS BY THE DEPARTMENT TO OR ON BEHALF OF DESIGNATED CATEGORIES OF ELIGIBLE PERSONS, TO PERMIT THE DEPARTMENT TO MAKE PAYMENTS FOR MEDICALLY NECESSARY SERVICES FURNISHED BY PROVIDERS TO DESIGNATED CATEGORIES OF ELIGIBLE PARTICIPANTS AND TO SPECIFY THE SERVICES FOR WHICH PAYMENTS MAY BE MADE.

**HOUSE BILL NO. 777****BY STATE AFFAIRS COMMITTEE**

## AN ACT

RELATING TO PERSONS UNDER TWENTY-ONE YEARS OF AGE ENTERING OR BEING IN PLACES WHERE ALCOHOLIC BEVERAGES ARE SERVED OR CONSUMED; AMENDING SECTION 23-944, IDAHO CODE, TO PROVIDE THAT IT SHALL NOT BE UNLAWFUL FOR, NOR SHALL SECTION 23-943, IDAHO CODE, BE CONSTRUED TO RESTRICT, ANY PERSON UNDER THE AGE OF TWENTY-ONE YEARS FROM ENTERING OR BEING IN ANY MOVIE THEATER THAT IS ALLOWED PURSUANT TO AN ORDINANCE ADOPTED BY THE CITY IN WHICH THE MOVIE THEATER IS LOCATED, TO SELL BEER OR WINE FOR CONSUMPTION ON THE PREMISES AND TO PROVIDE THAT THE ORDINANCE MAY PROVIDE FOR THE MAXIMUM CAPACITY OF ANY INDIVIDUAL AUDITORIUM IN WHICH BEER OR WINE IS ALLOWED TO BE CONSUMED AND THAT SECTION 23-614(1)(E), IDAHO CODE, DOES NOT APPLY TO THE PREMISES; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 778****BY REVENUE AND TAXATION COMMITTEE**

## AN ACT

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602E, IDAHO CODE, TO PROVIDE FOR VALUATION OF PROPERTY USED PRIMARILY FOR SCHOOL PURPOSES AND FOR BUSINESS PURPOSES FROM WHICH A REVENUE IS DERIVED; DECLARING AN EMERGENCY AND

PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 779****BY REVENUE AND TAXATION COMMITTEE**

## AN ACT

RELATING TO ANNEXATION OF ADJACENT TERRITORY BY CITIES; REPEALING SECTION 50-222, IDAHO CODE, RELATING TO ANNEXATION BY CITIES; AMENDING CHAPTER 2, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-222, IDAHO CODE, TO PROVIDE FOR ANNEXATION OF ADJACENT TERRITORY, TO PROVIDE FOR CONTENT OF ALL ANNEXATION PROPOSALS, TO PROVIDE FOR VOLUNTARY ANNEXATION OR ANNEXATION BY REQUEST, TO PROVIDE FOR INVOLUNTARY ANNEXATION OR ANNEXATION BY FORCE, TO PROVIDE FOR ANNEXATION OF RAILROAD RIGHT-OF-WAY PROPERTY UNDER CERTAIN CONDITIONS, TO PRECLUDE ANNEXATION OF PROPERTY USED AS A FAIRGROUNDS AREA UNLESS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS AND TO PRECLUDE ANNEXATION OF CERTAIN PROPERTY OWNED BY A NONGOVERNMENTAL ENTITY USED TO PROVIDE OUTDOOR RECREATIONAL ACTIVITIES TO THE PUBLIC UNLESS EXPRESS WRITTEN PERMISSION IS GIVEN BY THE NONGOVERNMENTAL ENTITY; AND AMENDING SECTION 55-2508, IDAHO CODE, TO DELETE REFERENCE TO A WRITTEN CONSENT TO ANNEX.

**HOUSE BILL NO. 780****BY REVENUE AND TAXATION COMMITTEE**

## AN ACT

RELATING TO DEVELOPMENT IMPACT FEES; AMENDING SECTION 67-8206, IDAHO CODE, TO REVISE THE PROCEDURE FOR THE IMPOSITION OF DEVELOPMENT IMPACT FEES; AND AMENDING SECTION 67-8210, IDAHO CODE, TO INCREASE THE NUMBER OF YEARS THAT A GOVERNMENTAL ENTITY MAY HOLD DEVELOPMENT IMPACT FEES BEFORE EXPENDING THEM AND TO INCREASE THE MAXIMUM NUMBER OF YEARS THAT COLLECTED DEVELOPMENT IMPACT FEES MAY BE HELD OTHER THAN FEES FOR WASTEWATER COLLECTION, TREATMENT AND DISPOSAL AND DRAINAGE FACILITIES.

**HOUSE BILL NO. 781****BY REVENUE AND TAXATION COMMITTEE**

## AN ACT

RELATING TO PROPERTY TAXES; AMENDING SECTION 63-902, IDAHO CODE, TO PROVIDE THAT SCHOOL DISTRICT TAXES SHALL BE SEPARATELY SHOWN ON TAX NOTICES AS MAINTENANCE AND OPERATION, BOND, SUPPLEMENTAL AND OTHER; AND AMENDING SECTION 63-906, IDAHO CODE, TO PROVIDE THAT ANY PERSON UPON APPLICATION TO THE TAX COLLECTOR MAY ESTABLISH A PAYMENT SCHEDULE TO ALLOW PAYMENTS OF CURRENT OR FUTURE REAL OR PERSONAL PROPERTY TAXES ON A MONTHLY OR A

QUARTERLY BASIS OF AT LEAST TWENTY-FIVE DOLLARS OR THE BALANCE OWING.

**HOUSE BILL NO. 782**  
**BY APPROPRIATIONS COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

**HOUSE BILL NO. 783**  
**BY APPROPRIATIONS COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE OF SPECIES CONSERVATION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

**HOUSE BILL NO. 784**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO TITLE LOANS; AMENDING CHAPTER 46, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW PART 5, CHAPTER 46, TITLE 28, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO REQUIRE LICENSURE, TO SET FORTH REQUIREMENTS APPLICABLE TO TITLE LOAN AGREEMENTS, TO PROVIDE FOR DISCLOSURE, TO PROVIDE FOR THE RENEWAL OF TITLE LOAN AGREEMENTS, TO SET FORTH DEFAULT PROVISIONS, TO PROHIBIT SPECIFIED ACTIONS AND TO PROVIDE AN EXEMPTION.

**HOUSE BILL NO. 785**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO PESTICIDES AND CHEMIGATION; AMENDING CHAPTER 34, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-3427, IDAHO CODE, TO REQUIRE THE POSTING OF PESTICIDE SAFETY INFORMATION FOR AGRICULTURAL WORKERS; AND AMENDING CHAPTER 34, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-3428, IDAHO CODE, TO REQUIRE THE POSTING OF PESTICIDE APPLICATION NOTICES.

**HOUSE BILL NO. 786**  
**BY REVENUE AND TAXATION COMMITTEE**  
 AN ACT

RELATING TO THE TAXATION OF CERTAIN TOBACCO PRODUCTS; AMENDING SECTION 63-2551, IDAHO CODE, TO DEFINE "MOIST SNUFF" AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-2552, IDAHO CODE, TO PROVIDE THE RATE OF TAXATION FOR TOBACCO PRODUCTS OTHER THAN MOIST SNUFF, TO PROVIDE FOR DISTRIBUTION OF REVENUES AND TO MAKE TECHNICAL CORRECTIONS;

REPEALING SECTION 63-2552A, IDAHO CODE, RELATING TO AN ADDITIONAL TAX IMPOSED ON TOBACCO PRODUCTS AND REPEALING SECTION 63-2564, IDAHO CODE, RELATING TO DISTRIBUTION OF TAX REVENUES FROM THE TOBACCO PRODUCTS TAX; AMENDING CHAPTER 25, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-2552A, IDAHO CODE, TO PROVIDE THAT MOIST SNUFF SHALL BE TAXED AT THE RATE OF ONE DOLLAR PER OUNCE OF MOIST SNUFF AND TO PROVIDE FOR DISTRIBUTION OF TAX REVENUES ON MOIST SNUFF; AMENDING CHAPTER 25, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-2552B, IDAHO CODE, TO PROVIDE UPON CERTAIN CIRCUMSTANCES OCCURRING DURING THE FISCAL YEAR ENDING JUNE 30, 2009, THE TAX TO BE IMPOSED AND COLLECTED COMMENCING JANUARY 1, 2010, ON THE WHOLESALE SALE OF MOIST SNUFF SHALL BE IMPOSED AND COLLECTED AT THE RATE OF FORTY PERCENT OF THE WHOLESALE PRICE OF MOIST SNUFF AND TO PROVIDE PROCEDURES AND DISTRIBUTION OF REVENUES.

**HOUSE BILL NO. 787**  
**BY REVENUE AND TAXATION COMMITTEE**  
 AN ACT

RELATING TO THE TAXATION OF CERTAIN TOBACCO PRODUCTS; AMENDING SECTION 63-2551, IDAHO CODE, TO DEFINE "MOIST SNUFF" AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-2552, IDAHO CODE, TO PROVIDE THE RATE OF TAXATION FOR TOBACCO PRODUCTS OTHER THAN MOIST SNUFF, TO PROVIDE FOR DISTRIBUTION OF REVENUES AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 63-2552A, IDAHO CODE, RELATING TO AN ADDITIONAL TAX IMPOSED ON TOBACCO PRODUCTS AND REPEALING SECTION 63-2564, IDAHO CODE, RELATING TO DISTRIBUTION OF TAX REVENUES FROM THE TOBACCO PRODUCTS TAX; AMENDING CHAPTER 25, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-2552A, IDAHO CODE, TO PROVIDE THAT MOIST SNUFF SHALL BE TAXED AT THE RATE OF ONE DOLLAR PER OUNCE OR FORTY PERCENT OF THE WHOLESALE SALES PRICE OF MOIST SNUFF DEPENDING ON THE WHOLESALE PRICE OF THE MOIST SNUFF, AND TO PROVIDE FOR DISTRIBUTION OF TAX REVENUES ON MOIST SNUFF.

**HOUSE JOINT RESOLUTION NO. 6**  
**BY STATE AFFAIRS COMMITTEE**  
 A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE IV, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO EXECUTIVE OFFICERS TO PROVIDE THAT THE TERM OF OFFICE FOR GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF STATE, STATE CONTROLLER, STATE TREASURER, ATTORNEY GENERAL AND SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL BEGIN AT NOON ON THE FIRST

MONDAY IN JANUARY FOLLOWING THE STATE EXECUTIVE OFFICER'S ELECTION; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

**HOUSE JOINT RESOLUTION NO. 7  
BY STATE AFFAIRS COMMITTEE**

**A JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE III, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO TERMS OF OFFICE FOR MEMBERS OF THE STATE LEGISLATURE TO PROVIDE THAT STATE SENATORS AND REPRESENTATIVES SHALL BE ELECTED FOR A TERM OF TWO YEARS COMMENCING AT NOON ON THE FIRST DAY OF DECEMBER NEXT FOLLOWING THE GENERAL ELECTION; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

**H 771, H 772, H 773, H 774, H 775, H 776, H 777, H 778, H 779, H 780, H 781, H 782, H 783, H 784, H 785, H 786, H 787, HJR 6, and HJR 7** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1408, S 1400**, as amended, and **S 1354**, as amended, as amended, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

**S 1404** and **S 1350**, as amended, by State Affairs Committee, were introduced, read the first time by title, and referred to the State Affairs Committee.

**S 1367** and **S 1266**, as amended, by Transportation Committee, were introduced, read the first time by title, and referred to the Transportation and Defense Committee.

**S 1411**, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.

**S 1417**, by Finance Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

**S 1390**, as amended, by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

**S 1412**, as amended, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Health

and Welfare Committee.

**S 1395**, as amended, by Education Committee, was introduced, read the first time by title, and referred to the Education Committee.

**S 1422**, by Finance Committee, was introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

**H 703, H 751, and H 682**, by Education Committee, were read the second time by title and filed for third reading.

**S 1318, S 1319, S 1320, S 1321, S 1322, S 1323, S 1324, S 1326, and S 1328**, by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

**H 752 and H 712**, by Education Committee, were read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

Mrs. Field(18) asked unanimous consent that **H 709** be returned to the Judiciary, Rules, and Administration Committee. There being no objection, it was so ordered.

Mrs. Field(18) asked unanimous consent that **S 1300**, as amended, be placed on General Orders for consideration. There being no objection, it was so ordered.

**HJM 14** was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Eskridge to open debate.

Mr. Eskridge asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **HJM 14**. There being no objection, it was so ordered.

The question being, "Shall **HJM 14** be adopted?"

Whereupon the Speaker Pro Tem declared **HJM 14** adopted by voice vote and ordered the memorial transmitted to the Senate.

Mr. Moyle asked unanimous consent that **HJM 20** be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

**HJM 20** was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Mitchell to open debate.

The question being, "Shall **HJM 20** be adopted?"

Whereupon the Speaker Pro Tem declared **HJM 20** adopted by voice vote and ordered the memorial transmitted to the Senate.

**HCR 47** was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Black and Mr. Stevenson to open debate.

Mr. Hart asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **HCR 47**. There being no objection, it was so ordered.

The question being, "Shall **HCR 47** be adopted?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bedke, Bell, Bilbao, Black, Block, Bolz, Brackett, Chadderdon, Collins, Deal, Denney, Edmunson, Eskridge, Field(18), Field(23), Garrett, Henderson, Kemp, Lake, Miller, Nonini, Raybould, Ring, Roberts, Rydalch, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 40.

NAYS -- Barrett, Bastian, Bayer, Boe, Bradford, Cannon, Clark, Crow, Ellsworth, Hart, Harwood, Henbest, Jaquet, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Mitchell, Moyle, Pasley-Stuart, Pence, Ringo, Rusche, Sali, Sayler, Smith(24). Total -- 28.

Absent and excused -- Nielsen, Wood. Total -- 2.

Total -- 70.

Whereupon the Speaker Pro Tem declared **HCR 47** adopted and ordered the resolution transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

### **Adjournment**

Mr. Moyle moved that the House adjourn until 10:30 a.m., Wednesday, March 8, 2006. Seconded by Mr. Sayler. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 12:47 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk